

REMARKS

Reconsideration and allowance are respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1, 5, 7-10 and 21 are pending in this application.

Claims 2-4, 6 and 11-20 have been canceled without prejudice.

Claims 1, 5, 7 and 9 have been amended.

New claim 21 has been added.

Regarding the Claim Objections

Claims 1-10 and 17-20 were objected to because of various informalities. Claim 1 has been amended in accordance with the suggestion made by the Examiner. Applicant respectfully requests that the objection to claim 1 be withdrawn.

Pending claims 5, 7, 8, 9 and 10 are directly or indirectly dependent upon the objected to claim 1. Applicant respectfully requests that the objection to these claims be withdrawn.

The remaining claims that were objected to have been canceled without prejudice thereby rendering the objection to those claims moot.

Regarding the § 112 Rejection

Claims 14-16 were rejected under 35 USC § 112, first paragraph, as failing to comply with the enablement requirement. Applicant has canceled claims 14-16 thereby rendering this rejection moot.

Regarding the Claim Rejections under 35 USC § 112

Claims 3-7, 9 and 11-20 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Applicant appreciates the Examiner's close reading of the

claims and has amended the claims in accordance with the suggestions made by the Examiner. Furthermore, claims 3, 4, 6, 11, 16, 17, 18 and 19 have been canceled without prejudice. As such, Applicant respectfully submits that the pending claims are all definite and particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Applicant respectfully requests that the § 112 rejection be withdrawn.

Regarding the Allowable Subject Matter

Applicant appreciates the Examiner's indication that claims 6 and 7 would be allowable if rewritten to overcome the rejections under 35 USC § 112, second paragraph, set forth in this pending Office Action and to include all the limitations of the base claim and any intervening claims. Applicant has amended claim 1 to include the majority of the elements in canceled claims 2, 3, 4, and 6. In particular, Applicant has included substantially all the language of claim 6 with respect to the step of filtering the third signal. Applicant respectfully submits that claim, as amended, is not anticipated, taught, alluded to or rendered obvious by the cited art and respectfully submits that claim 1 is ready for allowance.

Regarding the § 102 Rejection

Claims 1-4, 8-14, and 17-18 were rejected under 35 USC § 102(b) for being anticipated by Dorschky et al (EP 0975104 A1).

Dorschky does not teach a step of detecting a level of such filtered signal wherein the step of detecting a level of said filtered signal comprises "first detecting when said filtered signal is at a minimum level during said sweeping, said minimum level occurring at a first time delay value" and "second detecting when said filtered signal is next to have said minimum level during said sweeping, said next minimum level occurring at a second time delay value; and setting a time delay value for said second signal at a delay value between said first time delay value and said second time delay value."

Claim 1, as amended, recites, among other things, a step of detecting a level of said filtered signal. Said step of detecting a level of said filtered signal comprises "first detecting when said filtered signal is at a minimum level during said sweeping, said minimum level occurring at a first time delay value; second detecting when said filtered signal is next at said minimum level during said sweeping, said next minimum value occurring at a second time delay value; and setting a time delay value for said second signal at a delay value between said first time delay value and said second time delay value." As such, Applicant respectfully submits that claim 1 is not anticipated by Dorschky and respectfully requests that the § 102 rejection be withdrawn. Applicant further submits that claim 1 is ready for allowance.

Claims 2, 3, and 4 have been canceled without prejudice rendering the rejection to these claims moot.

Claims 8, 9 and 10 are either directly or indirectly dependent upon claim 1 and are therefore not anticipated for at least the same reasons as discussed above with respect to claim 1. Applicant respectfully requests that this § 102 rejection be withdrawn and submits that these claims are ready for allowance.

The remaining claims, being claims 11-14 and 17-18 have been canceled without prejudiced rendering the rejection to these claims moot.

Regarding the § 103 Rejection

Claims 15 and 16 were rejected under 35 USC § 103(a) as being rendered obvious Dorschky in view of Little et al (U.S. Patent No. 5,367,071). Applicant has canceled claims 15 and 16 rendering the rejection to these claims moot.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: 4/19/05

Respectfully submitted,

By 

Steven R. Greenfield

Registration No.: 38,166

JENKENS & GILCHRIST, A PROFESSIONAL
CORPORATION

1445 Ross Avenue, Suite 3200

Dallas, Texas 75202

(214) 855-4500

Attorneys For Applicant